

## **II. Remarks**

Claims 1-21 are pending in this application and stand rejected. Reconsideration of the application in view of the following remarks is respectfully requested.

### **Rejections Under 35 U.S.C. § 103**

Claims 1, 2, 5-9 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,977,653 issued to Schmid, et al. ("Schmid"), in view of G.B. Patent No. 2,370,671 issued to Bauch, et al. ("Bauch") and further in view of ColinC (Airbag ECU location??). In view of the remarks contained herein, Applicants respectfully submit that the rejections of claims 1, 2, 5-9 and 15 are traversed.

Applicants' invention is concerned with providing a sensor unit on a vehicle such that the sensor unit is subject to less vibration than conventional sensor-control unit arrangements, and is able to sense acceleration representative of the acceleration of the vehicle as a whole. One source of vibration may be from the control unit, which is rather large and heavy. By forming a sensor unit distinct from the control unit, the sensor unit and the control unit may be spaced apart from each other to separate the sensor unit from vibrations generated by the control unit. In particular, the sensor unit is located in an area of the vehicle (i.e. a central longitudinal line of the vehicle, e.g., located on a central tunnel of the vehicle) with representative vehicle acceleration, and the control unit is located away from central longitudinal line (e.g. away from the sensor unit) where sufficient space may be allocated to accommodate the control unit's

relatively large size and further, to reduce vibration to the sensor unit. Applicants' application at paragraphs [0004]-[0010] and [0045].

Schmid discloses a detection configuration 20 in communication with a central configuration 10 to be used for side-impact detection and for firing a restraining device of a vehicle. The impact detection configuration 20 includes an acceleration sensor 5 and is disposed in a side part of the vehicle. The central configuration 10, which includes a control unit 1 along the central longitudinal axis A'-A' of the vehicle, evaluates the signals from the detection configuration 20 to determine whether or not firing element 100 is to be fired. *Schmid* at col. 7, lines 6-51 and Figure 3. As noted by the Examiner, Schmid fails to disclose that the control unit 1 is located away from the central longitudinal axis A-A' of the vehicle. Office Action at page 3.

Bauch discloses a side impact sensing system 10 that has a first sensor unit 18 mounted on the door 36 of the vehicle 12 and a second sensor unit 26 mounted in the passenger compartment 52. The first and second sensor units provide signals to a controller 14 which compares the signals to determine whether to inflate an airbag 28. *Bauch* at Abstract. Notably, the controller 14 is located along the central longitudinal axis 44 of the vehicle. See Figure 1.

ColinC (Airbag ECU location??), as noted by the Examiner in the Notice of References Cited, is a non-patent reference consisting of a reply (hereinafter "ColinC reply") to a web-based United Kingdom's Renault community chat thread named RenaultForums ([www.renaultforums.co.uk](http://www.renaultforums.co.uk)). The ColinC reply was posted to RenaultForums on December 12, 2006 in response to a question that was posted on RenaultForums on December 11, 2006. The question was regarding the location of

the airbag ECU for the 1998 Renault Espace RT-X 2.2 DT vehicle. The ColinC reply is publically available and printable and accordingly, can be considered a printed publication with an earliest possible publication date of December 12, 2006 (e.g. the web posted date assuming publically available and printable as of December 12, 2006). Applicants' application was nationalized in the United States on April 19, 2005 and claims priority to PCT/SE2003/001622, filed October 21, 2003, GB 0 224 429.1, filed October 21, 2002, and GB 0228 054.3, filed December 2, 2002. Notably, Applicants' application has an effective priority date that precedes the earliest possible printed publication date of the ColinC reply and thus, the ColinC reply does not qualify as a prior art printed publication as to this application. (See 35 U.S.C. §102(a) and (b)).

Moreover, the ColinC reply does not contain any evidence that the 1998 Renault Espace RT-X 2.2 DT vehicle was publically used or offered for sale in the United States prior to the date of Applicants' invention and/or more than a year prior to Applicants' effective priority date. (See 35 U.S.C. §102(a) and (b)). Furthermore, the ColinC reply does not contain any evidence that the alleged location of the airbag ECU for the 1998 Renault Espace RT-X 2.2 DT vehicle was publically known in the United States prior to Applicants' date of invention. (See 35 U.S.C. §102(a)). Thus, the ColinC reply does not qualify as evidence of prior art activity as to this application. Accordingly, the ColinC reply is not available as a prior art printed publication or as evidence of prior art activity either under 35 U.S.C. §102 or §103 and therefore, is immaterial as to the patentability of Applicants' present invention.

Schmid and Bauch do not independently or in combination, disclose, teach or suggest the present invention recited in claim 1. More specifically, Schmid and Bauch do not disclose, teach or suggest a control unit located away from the central longitudinal line of the vehicle and remotely from the sensor unit, which is located along the central longitudinal line. In that Schmid and Bauch lack the noted elements of claim 1, the rejections based thereon should be withdrawn.

The Examiner posits that it would have been obvious to one of ordinary skill in the art at the time of the invention was made to reposition the control unit 1 of Schmidt away from the central longitudinal axis A'-A' since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. See Office Action at page 3. This is however not the case. The mere fact that parts from a reference can be rearrange to meet the terms of a claim is not by itself sufficient to support a finding of obviousness. Rather, rearranging of referenced parts will support obviousness only if (1) the claimed device is not modified operationally by shifting the position of the parts, and (2) the prior art reference must provide a motivation or reason for the one of ordinary skill in the art, without the benefit of Applicants' application, to make the changes in the referenced device. MPEP 2144.04 (VI-C).

Here, neither prong of MPEP 2144.04 (VI-C) is satisfied for supporting a finding of obviousness. With respect to the first prong, locating Applicants' claimed control unit away from the central longitudinal line of the vehicle modifies the operation of the safety arrangement because locating the sensor unit along the central longitudinal line of the vehicle improves representative vehicle acceleration sensor readings by the sensor unit, and locating the control unit away from the central longitudinal line avoids interference with the operation of the sensor unit and its sensor readings that may otherwise be

caused by the presence of the control unit along the central longitudinal line. Further, this arrangement provides improved weight and size distribution including accommodating the control unit's relatively heavy and large size where sufficient space in the vehicle may be allocated. With respect to the second prong, Schmid does not provide any motivation or reason for the one of ordinary skill in the art to locate a control unit away from the central longitudinal line of the vehicle and remotely from the sensor unit, which is located along the central longitudinal line. Accordingly, Applicants believe the claim 1 and its dependent claims 2, 5-9 and 15 are in a condition for allowance.

Claims 3 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmid, in view of Bauch, and further in view of G.B. Patent No. 2,292,126 issued to Burton, et al. ("Burton"). In view of the amendments and remarks contained herein, Applicant respectfully submits that the rejections of claims 3 and 4 are traversed.

Since claims 3 and 4 depend on claim 1 and since Burton fails to disclose a control unit located remotely away from a sensor unit and away from the central longitudinal line of the vehicle, the combination of Schmid, Bauch and Burton cannot render the claims of the present invention as obvious. The rejection under §103(a) is therefore improper and should be withdrawn.

Claim 10 was rejected as being unpatentable over Schmid in view of Bauch and further in view of U.S. Patent No. 6,113,138 issued to Hermann et al ("Hermann"). Applicants respectfully submit that the rejection of claim 10 is traversed.

Since claim 10 depends on claim 1 and since Hermann fails to disclose fails to disclose a control unit located remotely away from a sensor unit and away from the central longitudinal line of the vehicle, the combination of Schmid, Bauch and Hermann

cannot render the claims of the present invention as obvious. The rejection under §103(a) is therefore improper and should be withdrawn.

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmid in view Bauch and further in view of U.S. Patent No. 6,459,366 issued to Foo et al ("Foo"). Applicants respectfully submit that the rejection of claim 11 is traversed.

Since claim 11 depends on claim 1 and since Foo fails to disclose a control unit located remotely away from a sensor unit and away from the central longitudinal line of the vehicle, the combination of Schmid, Bauch and Foo cannot render the claims of the present invention as obvious. The rejection under §103(a) is therefore improper and should be withdrawn.

Claims 12-14, and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable Schmid in view of Bauch and further in view of U.S. Publication No. 2002/0084636 issued to Lewallen et al. ("Lewallen"). Applicants respectfully submit that the rejection of claims 12-14 and 16 are traversed.

Since claims 12-14 and 16 depend on claim 1 and since Lewallen fails to disclose a control unit located remotely away from a sensor unit and away from the central longitudinal line of the vehicle, the combination of Schmid, Bauch and Lewallen cannot render the claims of the present invention as obvious. The rejection under §103(a) is therefore improper and should be withdrawn.

Claims 17-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmid in view Bauch and further in view of McCall. Applicants respectfully submit that the rejections of claims 17-20 are traversed.

Since claims 17-20 depend on claim 1 and since McCall fails to disclose a control unit located remotely away from a sensor unit and away from the central longitudinal

line of the vehicle, the combination of Schmid, Bauch and McCall cannot render the claims of the present invention as obvious. The rejection under §103(a) is therefore improper and should be withdrawn.

Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmid in view Bauch as applied to Claim 1 above, and further in view of U.S. Patent No. 6,145,389 issued to Ebeling et al. ("Ebeling"). Applicants respectfully submit that the rejection of claim 21 is traversed.

Since claim 21 depend on claim 1 and since Ebeling fails to disclose a control unit located remotely away from a sensor unit and away from the central longitudinal line of the vehicle, the combination of Schmid, Bauch and Ebeling cannot render the claims of the present invention as obvious. The rejection under §103(a) is therefore improper and should be withdrawn.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is required.

Respectfully submitted,

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